

72-Hour Parking Violations

507.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording and storage of vehicles parked in violation of the Berkeley Municipal Code regulating 72-hour parking violations and abandoned vehicles under the authority of Vehicle Code § 22669.

507.2 RESPONSIBILITIES

Vehicles suspected of being in violation of the City of Berkeley 72-Hour Parking Ordinance or Vehicle Code shall be logged into CAD and assigned to a Parking Enforcement Officer. This does not prohibit a patrol officer from initiating or following up on an investigation of a suspected violation.

507.3 VEHICLE STORAGE

Any vehicle in violation shall be stored by the authorized towing service and a vehicle storage report (CHP 180 form) shall be completed by the officer authorizing the storage of the vehicle.

The storage report form shall be submitted to Records Management, and the small carbon copy shall be submitted to the Communications Center mailbox, immediately following the storage of the vehicle. It shall be the responsibility of the Communications Center to immediately notify the Stolen Vehicle System (SVS) of the Department of Justice in Sacramento (Vehicle Code § 22851.3(b)). Notification may also be made to the National Law Enforcement Telecommunications System (NLETS) (Vehicle Code § 22854.5).

Within 48 hours of the storage of any such vehicle, excluding weekends and holidays, it shall be the responsibility of the Traffic Bureau to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice to all such individuals shall be sent first-class or certified mail pursuant to Vehicle Code § 22851.3(d).

507.4 MARKING THE VEHICLE

Currently there are two methods of marking vehicles;

1. Electronic marking - which leaves no mark on the tires or vehicle; or
2. Chalk marking - which leaves a visible chalk mark on the tire.

Both methods are viable and both methods require a warning tag be placed on the windshield. Additionally photographic evidence should be utilized when practical. Any deviation in markings shall be noted in CAD.

507.5 FOLLOW-UPS

The member handling the initial investigation should conduct a follow up investigation after a period of 72 hours to determine the status of the marked vehicle.

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If the member returns to the location and determines the vehicle is present and there is no indication of significant movement (“significant movement” means a vehicle has been moved from the associated parking location by at least one car length), the member may issue a citation to the vehicle. If a citation is issued, the member may also tow the vehicle pursuant to Vehicle Code § 22651(k).

If the member returns to the location and determines the vehicle has been moved, the member shall ensure the associated CAD event is updated to indicate the outcome of the follow-up investigation.

507.6 ABANDONED VEHICLE

If, by evidence and/or reliable citizen statement, it is determined a vehicle has been abandoned (i.e., is inoperable as defined in Vehicle Code §22669(d) and/or has not been moved in a significant period), the member may forego the initial marking and 72-hour follow-up procedures described above.